

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 1441

PERMIT 995

LICENSE 2541

ORDER ALLOWING CHANGE IN POINTS OF REDIVERSION  
AND PLACE OF USE, CORRECTION IN THE DESCRIPTION  
OF THE POINTS OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 2541 was issued to Pacific Gas and Electric Company and was filed with the County Recorder of El Dorado County on February 20, 1943; and with the County Recorders of Amador County and Alpine County on February 23, 1943.
2. A petition for change in points of rediversion, and place of use and for correction of points of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion and rediversion under this license shall be as follows:

Points of Diversion:

1. Medley Lake Dam: North 32°35' East, 9,870 feet from SW corner of projected Section 31, T12N, R17E, MDB&M, being within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 30, T12N, R17E, MDB&M.
2. Caples Lake Main Dam: North 77°59' West, 4,300 feet from the SE corner of Section 18, T10N, R18E, MDB&M, being within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 18.
3. Silver Lake Dam: North 65°30' East, 3,200 feet from the SW corner of Section 32, T10N, R17E, MDB&M, being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 32.

Points of Rediversion:

1. El Dorado Canal: North 52°02' West, 1,596.7 feet from SE corner of Section 29, T11N, R15E, MDB&M, being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 29.
2. Chili Bar Dam: North 31°30' West, 5,100 feet from SE corner of Section 25, T11N, R10E, MDB&M, being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 25.

2. The place of use under this license shall be as follows:

1. El Dorado Powerhouse located within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 22, T11N, R12E, MDB&M.

The water is returned to the South Fork American River at a point within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 22, T11N, R12E, MDB&M.

2. Chili Bar Powerhouse located within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T11N, R10E, MDB&M.

The water is returned to the South Fork American River at a point within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T11N, R10E, MDB&M.

3. The following new paragraph is added to this license:

"The Licensee shall operate the Chili Bar Diversion Dam and Power plant so as to smooth the downstream discharge and maintain streamflow; change of controllable discharge shall be gradual and at no greater rate than will increase or decrease the stage of the river by one foot in elevation during any one hour period, such change in the stage to be measured at a control point of representative width downstream from Chili Bar Dam by the stream gage installed under the supervision of the U. S. Geological Survey pursuant to Article 6 of Form L-2 of FPC License 2101; provided that at no time shall the flow past the gaging station be less than 100 second feet."

4. The following term is added to the license as follows:

The Licensee shall comply with all applicable requirements of the Federal Energy Regulatory Commission.

Dated DECEMBER 18 1984

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

# License for Diversion and Use of Water

LICENSE 2541

PERMIT 995

APPLICATION 1441

THIS IS TO CERTIFY, That Pacific Gas and Electric Company  
San Francisco, California

has made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of (1) Medley Lakes in Eldorado County,  
(2) Twin Lakes in Alpine County, and (3) Silver Lake in Amador County

tributary of (1) South Fork of American River, (2) and (3) Silver Fork of American River

for the purpose of power use

under Permit 995

of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from September 8, 1919;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, <sup>are</sup> limited  
to the amount actually beneficially used for said purposes and shall not exceed five hundred (500) acre feet per  
annum at Medley Lakes, seventeen thousand (17,000) acre feet per annum at Twin Lakes, and five  
thousand (5,000) acre feet per annum at Silver Lake, making a combined total of twenty-two thou-  
sand five hundred (22,500) acre feet per annum to be collected from January 1st to December 31st  
of each season with the following limitation or condition:

The right herein confirmed shall not exceed such storage as may be made available by the  
Medley Lakes Reservoir of fifty-one hundred seventy-nine (5179) acre feet net capacity, by the  
Twin Lakes Reservoir of twenty-one thousand five hundred eighty-one (21,581) acre feet net  
capacity, and by the Silver Lake Reservoir of eighty-seven hundred twenty-six (8726) acre feet  
net capacity, and as may be required, together with other presently existing rights of licensee,  
to deliver for the purpose herein described a total of one hundred fifty-one (151) cubic feet  
per second through the El Dorado Hydro Electric Plant and a total of one hundred fifty-four (154)  
cubic feet per second through the American River Hydro Electric Plant.

The points of diversion of such water are located:

- (1) Medley Lakes Dam. The point where the center line of the stream intersects the axis of the  
main dam creating Medley Lake Reservoir is South 50° 40' West twenty-one hundred ninety-five  
(2195) feet from the N.E. Corner of Projected Section 30, T 12 N, R 17 E, M.D.B.&M., being  
within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 30.
- (2) Twin Lakes Main Dam. The south abutment of the main dam is located North 70° 54' East nine  
hundred twenty-two and three tenths (922.3) feet from the S.W. Corner of Section 18, T 10 N,  
R 18 E, M.D.B.&M. The axis of the dam intersects the center line of the stream at a point  
North 51° 40' East fourteen hundred (1400) feet from the S.W. Corner of said Section 18,  
being within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 18.
- (3) Silver Lake Dam. The axis of the dam intersects the center line of the stream at a point  
North 65° 30' East thirty-two hundred sixty (3260) feet from the S.W. Corner of Section 32,  
T 10 N, R 17 E, M.D.B.&M., being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 32.

The points of redirection of such waters are located:

- (1) ~~A description of the lands or the place where such water is put to beneficial use is as follows:~~  
On the South Fork of American River at the El Dorado Canal head-dam North 52° 02' West fifteen  
hundred ninety-six and seven tenths (1596.7) feet from the S.E. Corner of Section 29, T 11 N,  
R 15 E, M.D.B.&M., being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 29.
- (2) On the South Fork of American River at the American River head-dam, North 23° 20' West eleven  
hundred ninety-four (1194) feet from S.E. Corner of Section 24, T 11 N, R 11 E, M.D.B.&M.,  
being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 24.

A description of the lands or the place where such water is put to beneficial use is as follows:

- (1) At El Dorado Hydro Electric Plant within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 22, T 11 N, R 12 E, M.D.B.&M.  
After use for power purposes through the El Dorado Hydro Electric Plant the water is returned  
to South Fork of American River at a point within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 22, T 11 N,  
R 12 E, M.D.B.&M.
- (2) At American River Hydro Electric Plant within Lot 42 of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of  
Section 20, T 11 N, R 11 E, M.D.B.&M.  
After use for power purposes through the American River Hydro Electric Plant the water is  
returned to the South Fork of the American River at a point within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of  
Section 20, T 11 N, R 11 E, M.D.B.&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purposes for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, county, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The finding and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting hereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such waters a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess water, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this first day of February, 1943.

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy

11/19/99 ASGD TO EL DORADO IRRIGATION DISTRICT  
c/o GENERAL MANAGER

LICENSE 2541

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Pacific Gas & Electric Company

DATED February 1, 1943

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